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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Permanent Mission
of Belgium dated 30 January 1998

The Permanent Mission of Belgium to the United Nations Office at Geneva presents its compliments to the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the Belgian Government's reply to the questionnaire addressed to Governments by the Intergovernmental Working Group of Experts on Human Rights of Migrants.

The Permanent Mission of Belgium takes this opportunity to convey to the Office of the High Commissioner for Human Rights the renewed assurances of its highest consideration.

Geneva, 30 January 1998

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REPLY BY BELGIUM TO THE QUESTIONNAIRE ADDRESSED TO GOVERNMENTS BY THE INTERGOVERNMENTAL WORKING GROUP OF EXPERTS ON HUMAN RIGHTS OF MIGRANTS

1. Statistical data

Annexed to this submission, Belgium transmits to the group of experts a 24-page document entitled "Annual Report 1996", containing detailed information on the demographic evolution, employment, security and education of immigrants and migrants in Belgium.

2. Integration policy

The Belgian Government is fully convinced that it is both possible and necessary to integrate legally resident foreigners into Belgian society, on the basis of the following principles:

Complete respect for Belgian legislation by both immigrants and Belgians,

Integration on the basis of the democratic principles of the host country,

Respect for cultural diversity as an asset to the host country,

Efforts to involve members of immigrant groups in government activities,

Objective information and encouragement of communication among various population groups, and

Strengthening of anti-racist and anti-xenophobic activities.

A few years ago the Belgian Government decided to bring immigration to a halt since it believes it is easier for national population groups to accept immigrants if they have the feeling that the Government is in control of immigration flows.

Because of the socio-economic situation and the structural imbalances that clandestine immigration may cause, the Government takes a firm attitude towards illegal immigration, particularly to avoid the presence of clandestine immigrants giving rise to a parallel society. Advocating and implementing a policy of integration of foreigners legally resident in Belgium makes such an attitude necessary.

Action to curb clandestine immigration is directed at clandestine immigrants but also - and especially - at employers, suppliers of labour as well as any practices that favour or encourage clandestine immigration. In recent years the Government has taken important steps to strengthen the effectiveness of its policy of combating the traffic in persons and any form of illegal immigration.

Both the federal Government and federated entities are responsible for formulating and implementing policy concerning immigrants in Belgium.

The practice in the Flemish part of the country (Flemish Community) is to focus on the cultural aspect of integration by developing an approach aimed at enabling the members of minority groups to express their own culture as a group; since cultural diversity is considered an asset to society the cultural development of immigrants is actively supported.

The French-speaking part of the country (French Community and Walloon region) leans more towards a model whose ultimate goal is the cultural integration of all individuals on the basis of a uniform concept of citizenship. From this point of view, all individuals should be placed on an equal footing and the main emphasis is on the integration of victims of social exclusion. These two approaches are reflected in the various elements of the integration policy pursued by the two communities.

Belgium's tenth periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination dated 22 March 1996 (CERD/C/260/Add.2) contains detailed information on policies aimed at the more effective integration of immigrant groups in Belgium, particularly in the areas of housing, employment and education.

Mention should also be made of the Act of 15 February 1993, which established the Centre for Equality of Opportunity and Action to Combat Racism.

The main purpose of the Centre, which succeeded to and took over the functions of the Crown Commissioner for Immigration Policy, is to promote equality of opportunity and combat all forms of distinction, exclusion, restriction and preference based on race, colour, descent, social origin or nationality.

The Centre, which is completely independent in the performance of its functions, is responsible for conducting studies and research and providing the authorities with advice and recommendations on the improvement of regulations.

The Centre has legal status, provides technical assistance, has standing before the courts and assists persons seeking information about their rights and obligations.

3. Racism and xenophobia

Belgium has not experienced a collective upsurge of racism in recent years. In 1994 it enacted a law supplementing that of 1981 punishing certain acts of racism or xenophobia. The new law increases the penalties for acts of racism and amends the definition of discrimination to bring it into line with the wording used in the Convention on the Elimination of All Forms of Racial Discrimination.

Violent incidents occurred in 1991 in Brussels neighbourhoods where immigrants were in the majority. These incidents were aggravated by the presence of unemployed youths reacting to identity checks by the police in the disadvantaged areas. A few minor incidents also occurred in 1997 in the same areas, but had no racist overtones. These incidents brought home to the

Government and local authorities the need for appropriate steps to integrate disadvantaged youths more effectively into their social environment. The local authorities have been allocated significant budgetary resources from a fund created for that purpose.

4. ILO Conventions

Of the list of ILO Conventions mentioned in the questionnaire, Belgium has ratified the Convention concerning Migration for Employment (Revised) 1949 (No. 97).